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SUBJECT: TOGO/FRANCE: UPDATE ON CHARLES DEBBASCH AND MFA STATEMENTS ON TOGO

REF: PARIS 952

11. (U) This message reports (para 2) developments in the case of Charles Debbasch (reftel) and (para 3) MFA statements on Togo since the February 14 statement reported reftel.

12. (SBU) DEBBASCH CASE: According to a February 24 AFP report, the criminal case against Debbasch (a longtime advisor of Eyadema who is reportedly now in Togo and who may be influencing events there), is progressing. Debbasch, accused of malfeasance in connection with his presidency of the Fondation Vasarely, won partial reversal of an earlier conviction but a rehearing was ordered. The prosecutor in the rehearing, according to AFP, said he was seeking an arrest warrant against Debbasch and for the court hearing the case to sentence Debbasch to a mandatory two years in prison. The prosecutor also wants Debbasch to pay a fine of 150,000 euros. The court is expected to rule on the case on May 11. Debbasch, reportedly still in Togo, was not present at the February 24 hearing where the prosecution stated the punishment it thought Debbasch deserved. Instead, he sent a medical certificate from Lome explaining that he would be unavailable "for three months" because he was suffering greatly "from the illness and death of his spouse." A representative of the prosecution said that Debbasch's "contemptuous attitude shows that he has no intention whatsoever to submit himself to the decisions of the justice system."

13. (U) The MFA has issued the following statements on Togo. Informal embassy translations follow. MFA press statements can be found at www.diplomatie.fr/pointpress.asp?liste. The site allows viewers to specify the dates of the statements they want to view.

MFA Statement of February 24

-- QUESTION: Why is Paris, unlike the Africans, the European Union, Washington, and Berlin, not calling for the immediate resignation of Faure Gnassingbe who was put in power by the military in violation of the Togolese constitution?

-- ANSWER: Our declarations on Togo are perfectly clear: we have not ceased to call for the return of full constitutional legality in that country and we have constantly supported the positions of ECOWAS. I refer you for further details to my statements of Sunday, February 20.

MFA Statement of February 22

-- QUESTION: ECOWAS has clearly demanded that Faure Gnassingbe leave power; has France's position evolved or does it continue to share ECOWAS's position on this matter?

-- ANSWER: Concerning Togo right now, I think you will have seen the communique we published on Sunday, which I believe is extremely clear. The French position centers on very strong notions; first, the need for a return to constitutional legality in Togo and also the full, entire, and resolute support for the action undertaken by ECOWAS, and that is where the two points combine, because ECOWAS's action is precisely aimed at obtaining a return to full and entire constitutional legality in Togo. We are in contact with all our partners in Africa as well as with those in the European Union. And you will have remarked on Sunday, we took positive note of the statement by Mr. Faure Gnassingbe, which announced presidential elections within a period of 60 days, but, at the same time, we deplored the fact that it has not been possible yet to find a solution regarding respect for the Togolese constitution concerning the devolution of temporary presidential power. In short, to sum up, that is our position and we are pursuing permanent contact with our different partners on this subject.

-- QUESTION: Again on Togo, concerning the fact that Faure Gnassingbe foresees elections within two months. Will France participate, in one way or another? What do you foresee? Notably, will France or other Europeans send observers to ensure the fairness and transparency of the presidential elections?

-- ANSWER: Yes, you've said it, we call for free, democratic, and transparent elections. Now, Mr. Faure Gnassingbe's announcement is only two or three days old, so I

think your question is a bit premature. But without doubt this is an issue for consultation, notably with our ECOWAS partners, if not, beyond that, the African Union and certainly the European Union, to examine what would be appropriate to do and possible to do. But at this stage, I don't have precise elements that allow me to answer you.

MFA Statement of February 20

-- Following the measures decided yesterday by ECOWAS concerning Togo, France reaffirms its total support for the action undertaken by this organization to obtain a return to full constitutional legality in that country. France remains in permanent contact with ECOWAS and in close liaison with its partners in the European Union and international community.

-- We emphasize the importance placed, more than ever, on the organization within the time frame set out in the Togolese constitution of presidential and legislative elections, which should be free, democratic, and transparent, in order to put an end to the transition which began with the death of President Eyadema. In this regard, we take positive note of Mr. Faure Gnassingbe's declaration announcing presidential elections in 60 days.

-- France however deplores that it has not yet been possible to arrive at a solution, in full respect of the constitution, concerning the devolution of temporary presidential power. France calls on Togolese in positions of responsibility to follow through without delay to the appeal of ECOWAS, to which it continues to give its full support.

MFA Statement of February 18

-- Concerning Togo, our position is well known. We have had the chance to express it several times during the past several days.

-- France continues to support fully the efforts of ECOWAS, which is continuing its consultations. We hope that these consultations succeed as rapidly as possible and result in the announcement of a rapid organization of presidential and legislative elections that are free, democratic, and transparent, in order to put an end to the transition which began with the death of President Eyadema and to return to the path of democratic legitimacy in Togo.

-- QUESTION: Are you optimistic concerning Togo? Do you think we are on the way to a return to democracy, a return to constitutional norms?

-- ANSWER: That is the objective we support. It's the objective that the heads of state of ECOWAS are seeking, and we support their efforts, we support the consultations they are holding, and we hope that they succeed as rapidly as possible.

-- QUESTION: What do you think of the role of Charles Debbasch, a French national who seems to advise the Eyadema family?

-- ANSWER: I have had the chance to express our views on Professor Debbasch, who is in Togo in his personal capacity and who, as a consequence, only involves himself individually.

MFA Statement of February 16

-- QUESTION: Seven radio and two television stations, considered as being close to the opposition, have been shut down for one week in Togo. What is your reaction?

-- ANSWER: France, as you know, is very attached to the freedom of the press in all places and in all circumstances. When we advocate a return to legality in Togo, this principle clearly applies as well to the freedom of the press.

End MFA Press Statements.
Wolff